1954.

File No. EVP 1954 VIII

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DEPARTMENT

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Karnataka
B Class
Karnataka

Subject:— Evacuee Property

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File No. EVP 1954 VIII

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Karnataka
B Class
Karnataka

EXPRESS LETTER.

To

The Collector & Deputy Custodian of
Evacuee Property, Baroda.

No.EVP.1954/49291-B. Secretariat(Annexe),Fort,
Bombay, 24th January 1955.

Subject:- Bombay Tenancy and Agricultural lands Act, 1948- Application of to Evacuee Property.

Reference your letter No.EVP.848/1, dated the 12th July 1954 and subsequent reminder dated the 30th September 1954, on the subject noted above.

2. The Bombay Tenancy and Agricultural Lands Act, 1948 has been enacted for the purpose inter alia of amending the law governing the relation of landlords and tenants of agricultural lands. In the two cases reported in 53 Bombay Land Revenue 654 and 55 Bombay Law Reporter 582, the Bombay High Court had observed that section 4 was not intended to confer any more or higher power upon the Custodian than is to be found under the provisions of the Act; and that if there is any provision in the Evacuee Property Act which is inconsistent with any other law the provision in the Evacuee Property Act is to prevail. A sub-section (2) has however recently been added to Section 4 of the Evacuee Property Act under recent Amendement of Administration of Evacuee Property Act by Act 42 of 1954. The amendment makes the position clear. The provisions of the Tenancy Act in so far as they relate to the control of rents of properties or the eviction of tenants therefrom, would not therefore apply to evacuee property in view of this amendment.

(N.M.JANI)
Assistant Secretary to the Government of Bombay.
Rehabilitation Department.

Copy with copies of the letter under reply with its accompaniment, forwarded with compliments to all Collectors and Deputy Custodians of Evacuee Property, for information.

Copy forwarded with compliments to the Custodian of Evacuee Property, Bombay.

Copy forwarded to Revenue Department for information.

kvj.24/1.

Copy of a letter No.EVP.848/1, dated the 12th July 1954, from the Collector of Baroda addressed to Government in Rehabilitation Department.

Subject:- Bombay Tenancy And Agricultural Lands Act,1948-application of-to evacuee property.

Elucidation is received from the Custodian Bombay as to whether provisions of Bombay Tenancy and Agricultural Lands Act of 1948 apply to the tenancies of evacuee agriculture property or not. A copy of the reply received from him is kept herewith.

The view taken by the Custodian, Bombay that provisions of the Bombay Tenancy and Agricultural Lands Act 1948 do not apply when the tenancy date after 14-8-1947 does not seem to be correct as lands belonging to Government are exempted from the operation of the Tenancy Law (vide Sec.88 of the Bombay Tenancy and Agricultural Lands Act,1948) and the lands managed by the Deputy Custodian cannot be said to be Government lands.

The orders issued may please be reconsidered and necessary instructions issued in the matter.

Accompaniment to the Collector of Baroda's letter No.EVP.848/1, dated the 12th July 1954.

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Subject:- Application of B.T. Act 1948 to the evacuee property- elucidation for-

With reference to your letter No.EVP/447-B, dated the 17th June 1953, I am to inform you that the Provisions of Bombay Tenancy and Agricultural Lands Act 1948 will apply to the tenancies of evacuee property, where such tenancies date before 15-8-1947 but not when they date after 14-8-47. As regards the claims of the evacuee landlord I am to state that the bar of limitation under the B.A. and D.R. Act will be effective against claims of evacuees vesting in the Custodian.